

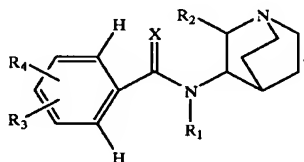
REMARKS

This application is believed to be in condition for allowance at the time of the next Official Action.

The Official Action rejects claims 16-18 under 35 USC §102(e) as anticipated by MYERS et al. U.S. 6,492,386 B2 (MYERS). This rejection is respectfully traversed for the reasons discussed below:

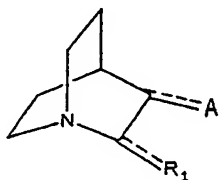
The compounds differ

The compounds of MYERS have the general formula I shown in claim 1 (top paragraph of column 55):



In this formula, the quinuclidine structure carries a benzamido or thiobenzamido moiety in the 3-position. MYERS defines this formula as the core molecule in the paragraph bridging columns 14 and 15.

However, in the compounds of the claimed invention, the quinuclidine structure in the 3-position either carries a benzoyloxy group or a double-bonded oxygen (i.e. at A):



Consequently, the compounds of the claimed invention differ from those of MYERS.

The indications differ

The compounds of MYERS are claimed to be useful for the treatment of conditions wherein the $\alpha 7$ nicotinic acetylcholine receptor is implicated. MYERS explains that nicotinic acetylcholine receptors (nAChRs), such as the $\alpha 7$ nicotinic acetylcholine receptor, play a large role in central nervous system (CNS) activity and in particular are known to be involved in cognition, learning, mood, emotion, and neuroprotection (cf. column 1, under "Field of the Invention"). Consequently, MYERS discloses, e.g., in claim 1, that the compounds are useful for the treatment of conditions such as attention deficit disorder, attention deficit hyperactivity disorder, mood and affective disorders, amyotrophic lateral sclerosis, borderline personality disorder, traumatic brain injury, behavioral and cognitive problems associated with brain tumors, AIDS dementia complex, dementia associated with Down's syndrome, dementia associated with Lewy Bodes, Huntington's disease, depression, general anxiety disorder, age-related macular degeneration, Parkinson's disease, tardive dyskinesia, Pick's disease, post traumatic stress disorder, dysregulation of food intake including bulimia and anorexia nervosa, withdrawal symptoms associated with smoking cessation and dependent drug cessation, Gilles de la Tourette's

Syndrome, glaucoma, neurodegeneration associated with glaucoma, or symptoms associated with pain.

It is to be noted that MYERS fails to disclose any activity against any tumor disease *per se*, but only against the behavioral and cognitive problems that might be associated therewith.

2-Methylene-3-quinuclidinone is used only as a chemical synthesis starting material

Example 23 of MYERS describes a process for the preparation of N-(2-methyl-1-azabicyclo[2.2.2]-oct-3-yl)-4-phenoxybenzamide fumarate, a compound that is not used in the claimed invention. In the passage at column at column 31, lines 7-15, specifically referred to in the Official Action, one step in this process is described, in which step a salt of 2-methylene-3-quinuclidinone is used as a starting material. Nowhere does MYERS suggest that 2-methylene-3-quinuclidinone could have any therapeutic activity *per se*.

The MONKOVIC patent

The Official Action furthermore refers to the passage at column 3, lines 25-28 of MYERS. In this passage, reference is made to another patent, viz. U.S. Patent No. 4,820,715 to MONKOVIC et al. ("MONKOVIC") which discloses anti-emetic quinuclidinyl benzamides, particularly useful in the treatment of chemotherapy-induced emesis in cancer patients and in disorders relating to impaired gastric motility (such as retarded gastric

emptying, dyspepsia, flatulence, esophageal reflux, and the like, (cf. MONKOVIC, column 1, lines 29-31).

Emesis, i.e., vomiting, is clearly different from cancer and the skilled person would have no reason to expect that an anti-emetic compound would have an anti-tumor activity, even if used against emesis induced by chemotherapy.

MONKOVIC discloses compounds comprising a 3-quiniclidinyl moiety at column 50, lines 21-43. The compounds are according to the general formula I, and again it appears that these compounds differ from the compounds of the claimed invention in that the quinuclidine structure according to MONKOVIC carries a benzamido moiety in the 3-position, which the compounds of the claimed invention do not.

Thus, MYERS fails to anticipate the claimed invention.

MYERS also fails to render obvious the claimed invention. For the reasons discussed above, MYERS fails to suggest the compounds of the claimed invention or a method of treating a mutant P53 mediated disease.

Therefore, in view of the above, withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in dark ink, appearing to read 'R. Madsen', is written over a horizontal line.

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